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May 17, 2010

By Fax 212-805-7900  
Hon. Kimba M. Wood  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Gulino, et al. v. The Board of Education  
Case No. 96 Cv. 8414 (SHS)

## MEMO ENDORSED

Dear Judge Wood:

I am an Assistant Attorney General representing *amicus* New York State Education Department (SED) herein, and write on behalf of *amicus*, plaintiffs and defendant Board of Education, seeking to correct an oversight in our prior May 4, 2010 joint letter which was endorsed by the Court ordering that the ECF office receive in paper form trial exhibits and transcripts related to the remand briefing herein. That letter failed to note that some of the documents were under seal pursuant to prior orders by Judge Motley, and upon submission of the documents on May 14, 2010, the ECF/docketing clerk office accepted and docketed unsealed documents and trial transcripts submitted by plaintiffs, defendant and *amicus*, but the Records Management Unit/Sealed Documents clerk declined to accept the sealed documents and sealed portions of trial transcripts, because the endorsed memo did not specify that sealed materials should be received. This results in the anomaly that unsealed exhibits and transcripts are now of-record but sealed exhibits and transcripts are not. Accordingly, to complete the remand record, the parties and *amicus* request that the Court endorse this letter ordering that the Records Management Unit/Sealed Documents clerk receive previously-sealed trial exhibits and transcripts in paper form, and note their receipt on the docket, subject to the court's standard sealing restrictions.

granted  
f.m.w.

The Court realizes that the sealed Records Office does not usually accept previously-sealed exhibits & transcripts. Due to the unusual procedural history of this action, however, it is necessary that these documents be accepted and noted on the record.

Respectfully,

Bruce B. McHale

BRUCE B. McHALE  
Assistant Attorney General  
Counsel for *Amicus*

SO ORDERED: 5-18-10

Kimba M. Wood

KIMBA M. WOOD